

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROOFERS' PENSION FUND,
*individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

JOSEPH C. PAPA, *et al.*,

Defendants.

Civil Action No.

16-2805 (MCA) (LDW)

ORDER TO SEAL

CARMIGNAC GESTION, S.A.,

Plaintiff,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

17-10467 (MCA) (LDW)

MASON CAPITAL L.P. *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-1119 (MCA) (LDW)

PENTWATER EQUITY
OPPORTUNITIES MASTER FUND
LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-1121 (MCA) (LDW)

HAREL INSURANCE COMPANY,
LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-2074 (MCA) (LDW)

FIRST MANHATTAN CO.,

Plaintiff,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-2291 (MCA) (LDW)

TIAA-CREF INVESTMENT
MANAGEMENT, LLC, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-8175 (MCA) (LDW)

NATIONWIDE MUTUAL FUNDS, on
behalf of its series NATIONWIDE
GENEVA MID CAP GROWTH FUND
and NATIONWIDE S&P 500 INDEX
FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-15382 (MCA) (LDW)

WCM ALTERNATIVES: EVENT-
DRIVEN FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-16204 (MCA) (LDW)

HUDSON BAY MASTER FUND LTD.,
et al.,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-16206 (MCA) (LDW)

SCHWAB CAPITAL TRUST on behalf
of its series SCHWAB S&P 500 INDEX
FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-3973 (MCA) (LDW)

OZ MASTER FUND, LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-4900 (MCA) (LDW)

ABERDEEN CANADA FUNDS –
GLOBAL EQUITY FUND, a series of
ABERDEEN CANADA FUNDS, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-6560 (MCA) (LDW)

DISCOVERY GLOBAL CITIZENS
MASTER FUND, LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-21502 (MCA) (LDW)

YORK CAPITAL MANAGEMENT,
L.P., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-21732 (MCA) (LDW)

BURLINGTON LOAN
MANAGEMENT DAC, F/N/A
BURLINGTON LOAN
MANAGEMENT LIMITED,

Plaintiff,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

20-1484 (MCA) (LDW)

THIS MATTER having come before the Court by way of defendant Perrigo Company plc's ("Perrigo") motion to seal portions of (1) the February 26, 2020 letter filed by Lead Plaintiff in the *Roofers' Pension* Class Action and (2) the February 26, 2020 letter Perrigo filed in the Class Action and related Individual Actions; and having considered the brief submitted by Perrigo, the Declaration of R. David Gallo, and the factors contained in Local Civil Rule 5.3(c)(3), the Court makes the following Findings of Fact and Conclusions of Law:

1. Perrigo seeks to seal portions of February 26, 2020 letters that include confidential business information, discovery materials, and information pertaining to the Government's ongoing criminal investigation into anticompetitive practices in the generic pharmaceuticals industry.
2. Local Civil Rule 5.3(c)(3) requires a party seeking to seal materials filed with the Court to file a motion that describes "(a) the nature of the materials or proceedings at issue, (b) the legitimate private or public interests which warrant the relief sought, (c) the clearly defined and serious injury that would result if the relief sought is not granted, and (d) why a less restrictive alternative to the relief sought is not available."
3. As the February 26, 2020 letters relate to the conduct of discovery in these matters and

certain discovery disputes, there is no presumption of public access to the information contained therein. *Leucadia, Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 165 (3d Cir. 1993) (“[T]here is a presumptive right to public access to all material filed in connection with nondiscovery pretrial motions, whether these motions are case dispositive or not, but no such right as to discovery motions and their supporting documents.”).

4. Perrigo has a legitimate interest in maintaining the confidentiality of non-public discovery materials and competitive business information and would suffer a clearly defined injury if the information is disclosed.
5. The Government has a legitimate interest in maintaining the confidentiality of information regarding an active criminal investigation.
6. There is no less restrictive alternative available than to seal the information contained in the February 26, 2020 letters. Perrigo has sought to seal only that information that is entitled to protection.
7. Perrigo has satisfied the requirements for sealing under Local Civil Rule 5.3(c).

WHEREAS the Court having found that there are legitimate interests warranting the relief sought and no legitimate public interest in disclosure; and for good cause shown;

IT IS on this day, March 24, 2020, **ORDERED** that:

1. Perrigo’s motion to seal is **GRANTED** and the following information is hereby ordered

SEALED:

February 26, 2020 Letter from Lead Plaintiff (16-2805, ECF No. 249)		
Page 1	Last paragraph, lines 5-8	Redact after “DOJ committed” to “ <i>See</i> Email”
Page 2	First paragraph, lines 2-3	Redact after “the promised” to “or even general”

Page 2	First paragraph, lines 5-6	Redact after “June 3, 2020” to “and to continue”
Exhibit 1		Redact in its entirety
February 26, 2020 Letter from Perrigo (16-2805, ECF No. 250; 17-10467, ECF No. 97; 18-1119, ECF No. 77; 18-1121, ECF No. 80; 18-2074, ECF No. 97; 18-2291, ECF No. 95; 18-8175, ECF No. 87; 18-15382, ECF No. 81; 18-16204, ECF No. 65; 18-16206, ECF No. 61; 19-3973, ECF No. 77; 19-4900, ECF No. 73; 19-6560, ECF No. 72; 19-21502, ECF No. 11; 19-21732, ECF No. 13; 20-1484, ECF No. 6)		
Page 2	Third paragraph	Redact in its entirety
Page 3-4	Last paragraph beginning on page 3	Redact in its entirety
Attachment A		Redact in its entirety

2. To the extent they have not done so already, the parties are directed to file public redacted versions of the February 26, 2020 letters within 14 days of the date of this Order.
3. The Clerk of Court is directed to terminate the motion at ECF No. 256 in Civil Action No. 16-2805.

s/ Leda Dunn Wettre, U.S.M.J.